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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,317	10/16/2001	Tomoyuki Takeda	35.C15872	4685
5514	7590	01/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2646	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,317

Applicant(s)

TAKEDA ET AL

Examiner

Jefferey F. Harold

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,9 and 11-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4,5,7,9 and 11-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 7, 9, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Usui (United States Patent 6,895,220).

Regarding claim 1, Usui discloses a mobile communication device capable of carrying out both indirect and direct communication. In addition, Usui discloses an apparatus having a communication function, comprising: a first switch device adapted to switch between a power save wireless communication mode and an active wireless communication mode; a second switching device adapted to switch between a normal stand-by mode and a power save stand-by mode of the apparatus in accordance with the switching by the first switching device; a notifying task adapted to notify a state of the apparatus to another apparatus in response to an inquiry from the other apparatus; and an execution task adapted to selectively execute a first process of notifying the inquiry from the another apparatus to the notifying task, and a second process of generating an inquiry about the state of the apparatus in place of the inquiry by the other apparatus, and for notifying the generated inquiry to the notifying task in

accordance with the switching of communication modes by the first switching device, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claim 4, Usui discloses everything claimed as applied above (see claim 1), in addition Usui discloses wherein the first switching device is operable to switch the communication mode when the apparatus starts a communication with the other apparatus by using the communication function, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claim 5, Usui discloses everything claimed as applied above (see claim 1), in addition Usui discloses wherein the communication function is a wireless communication function, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claim 7, Usui discloses everything claimed as applied above (see claim 1), in addition, Usui discloses wherein the active wireless communication mode is an active mode of Bluetooth specifications and the power save wireless communication mode is one of a park mode, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claim 9, Usui discloses everything claimed as applied above (see claim 1), in addition, Usui discloses wherein the second process generates the inquiry in a case where the first switching device switches to the power save wireless

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communication mode, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claim 11, Usui discloses everything claimed as applied above (see claim 9), in addition, Usui discloses an inherent judging device adapted to judge whether switching by the second switching device is performed in response to switching by the first switching device, wherein the execution task switches between the first and second processes in accordance with a judgment by the judging device, as disclosed at column 4, lines 16-49; column 6, lines 7-26; column 9, line 16 through column 10, line 35 and exhibited in figures 1, 5, 9 and 10.

Regarding claims 12 and 13, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 4, 5, 7, 9 and 11.

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 5, 7, 9, and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

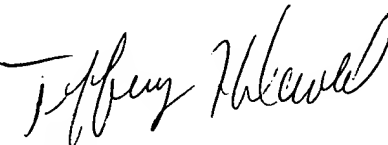
Bridgelall, (United States Patent 6,895,255), discloses dual mode wireless data communication.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold
Primary Examiner
Art Unit 2646



JFH
January 6, 2006